PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400529-AJS
Comment Period: February 26 through March 12, 2004
Project Manager: Antal Szijj (805) 585-2147 antal.j.szijj@usace.army.mil

Applicant
Jeff Pratt
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Ventura, California 93009

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Location

In Tapo Canyon Creek, immediately west of Tapo Canyon Road, approximately 1.3 miles north of the 118 Freeway, in Simi Valley, Ventura County, California (see attached vicinity map).
(at: lat:34-18-5.0760; lon:118-43-13.1520)

Activity

Construction of a six-acre emergency debris basin (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch - Ventura Field Office
ATTN: CESPL-CO-RN-200400529-AJS
2151 Alessandro Drive, Suite 255
Ventura, California 93001

Alternatively, comments can be sent electronically to: antal.j.szijj@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. Previous archaeological surveys of the project site have identified possible remnants of historic oil extraction facilities (identified as CA-VEN-1572H), including concrete foundations, piping, and various spoil piles. A cultural resources investigation conducted on behalf of VCWPD concluded the site was not a significant cultural resource. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or designated critical habitat. Adjacent hillsides have been proposed as critical habitat for the California gnatcatcher (*Polioptila californica californica*) (Federal Register Vol. 68, No. 79, Thursday, April 24, 2003). The most recent surveys of the project vicinity for gnatcatcher following the protocol established by the U.S. Fish & Wildlife Service (USFWS) were conducted in 2000. No

gnatcatchers have been documented at or in the immediate vicinity of the project site. Those areas that do support coastal sage scrub habitat or the primary constituent elements of critical habitat for the gnatcatcher would be avoided. The Corps has preliminarily determined the proposed project is not likely to adversely affect the California gnatcatcher, nor adversely modify its proposed critical habitat, and will request concurrence from the U.S. Fish & Wildlife Service.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed project would permanently impact approximately 1.03 acres of waters of the United States along Tapo Canyon Creek through excavation of the basin, construction of a small dam, outlet works, and two grouted rock inlet structures (see attached drawings). Of the 1.03 acres, 0.48 acre is considered wetlands.

Additional Project Information

Background- The Ventura County Watershed Protection District (VCWPD) proposes to construct an emergency flood control basin along Tapo Canyon Creek, immediately upstream of the existing concrete-lined flood control channel (Arroyo del Tapo), a tributary to Arroyo Simi that runs through City of Simi Valley. The majority of the 15,525-acre watershed upstream of this facility burned during the Simi Hills fire in October 2003. Studies by VCWPD in conjunction with Natural Resources Conservation Service (NRCS) and the Federal Emergency Management Agency (FEMA) estimate the watershed could deliver three times the normal pre-fire debris volume during a 10-year flood event until vegetation recovers (estimated at 3-5 years). Downstream flood control facilities are only capable of containing floods up to a 10-year event due to inadequate sizing and urbanization. Based on these estimates, VCWPD concludes they will need to construct a facility to handle up to 60 acre-feet of debris in order to maintain the pre-fire, 10-year flood protection level of downstream facilities. VCWPD has also applied for partial funding from the NRCS through their emergency Watershed Protection Program.

Existing Site Conditions- The project site also burned during the October 2003 fires. Habitat on the project site has been characterized based on biological surveys conducted approximately three months after the fires and previous surveys conducted in 2000. Five plant communities were identified including *big saltbush scrub* (0.7 acre), *coyote brush scrub* (0.9 acre), *eucalyptus woodland* (4.9 acres), *coast live oak woodland* (0.5 acre), and *arroyo willow riparian forest* (2.3 acres). Much of the habitat on the project site would likely recover, however, invasive species such as giant cane (*Arundo donax*) would come to dominate without any intervention (giant cane is already aggressively resprouting along the creek). The creek itself averages 36 feet in width, is relatively incised, and supports perennial flow due in large part to irrigation upstream for nursery and golf course uses. Nearby slopes, which would be avoided, support elements of *coastal sage scrub* habitat that is proposed critical habitat for the California gnatcatcher.

Historic disturbances including fires, trash dumping, and road construction/maintenance has limited the biological resources on the project site. In addition, the project site is not likely to provide a significant wildlife movement corridor due to the channelization of Tapo Canyon Creek immediately downstream and associated urbanization. Nevertheless, habitats such as arroyo willow riparian forest and coast live oak woodland are considered sensitive due to their relative scarcity and/or importance for wildlife.

Project Purpose and Need- The Corps has preliminarily defined the basic and overall project purpose for determining water dependency and for determining the least environmentally damaging practicable alternative in accordance with the Environmental Protection Agency's 404(b)(1) guidelines. Accordingly, the

Corps considers the basic project purpose to be *flood control*, which is water dependent. The overall project purpose is *to provide emergency debris control in the Tapo Canyon watershed in order to maintain the current level of flood protection to property and residents of Simi Valley following the October 2003 fires*.

Proposed Project- The proposed project would encompass approximately nine acres, including a debris basin approximately six acres in size. The basin would be excavated to a depth of 10-15 feet and would include a low dam faced with grouted rip-rap at the downstream end, a 300-foot long by 36-inch diameter outlet pipe, and two grouted riprap inlet structures (see attached drawings). The basin would impact approximately 1.03 acres of waters of the U.S. subject to Corps of Engineers jurisdiction along 1,100 feet of Tapo Canyon Creek. Once constructed the basin would be maintained in perpetuity by VCWPD. Most of the basin floor would be earthen and would continue to receive perennial flows from upstream. Regrowth of riparian and wetland habitat between maintenance operations would be anticipated, however the proposed impacts to waters of the United States are considered permanent due to the need for future maintenance on a routine basis. The need for future maintenance operations would be determined based on the loss of capacity of the basin as silt and other debris accumulates.

Although the project is being proposed in response to the short-term threat posed by the recent fires, long-term operation and maintenance of the proposed basin would provide enhanced flood protection to people and property downstream. As described above, downstream flood control facilities cannot contain floods above the 10-year recurrence interval, therefore the proposed project would provide an incremental flood control benefit over the long-term. Future projects to address the long-term flood control needs of the urbanized areas of Simi Valley in the vicinity of Arroyo del Tapo, including providing 100-year flood protection, may be proposed in the future as funding permits.

Project Alternatives and Constraints- The location and design of the proposed project was selected based primarily on its position at the interface between the urbanized areas downstream and the upper portions of the watershed that were heavily burned. A basin at the proposed location would also connect directly with the Arroyo del Tapo flood control channel downstream. Cost, site topography, and the available acreage to construct a basin of suitable capacity were also important factors in the proposed design. In addition, it was important the project utilize a relatively small dam structure to avoid the jurisdiction of the State Division of Safety of Dams (DSOD). The regulatory requirements of the DSOD would not fit the short timing requirements of the emergency situation.

The applicant has attempted to minimize impacts to waters of the U.S. to the maximum extent practicable. Alternative designs that would avoid or further minimize impacts to waters, such as constructing an "off-line" basin that would leave the majority of existing channel intact were considered, however, any further avoidance was found to be impracticable as it would not provide the necessary debris capacity. The project site is constrained by Tapo Canyon Road to the west and relatively steep hillsides to the east. The depth of the basin is limited by the existing elevation of the inlet to the Arroyo del Tapo flood control channel and the need to provide drainage through the basin and into the channel. Excavating a deeper basin to achieve the 60-acre-foot capacity in a smaller area would result in ponding, which limits capacity and interferes with maintenance.

Four alternative locations were also examined, however, these were found to be less favorable since they would either be incapable of providing the necessary protection (as they would not intercept debris from other burned portions of the watershed), would result in greater environmental impacts, or be prohibitively expensive. The alternative locations are summarized below.

Tapo Canyon Park Site: The Ventura County General Services Agency owns and operates a regional park north of the intersection of Bennett Road and Tapo Canyon Road. The west portion of the park includes a large low-lying area adjacent to Tapo Creek that could be excavated to form an off-line basin. A diversion structure would be needed to route flow and material into the basin. This basin was considered infeasible when

evaluated per the criteria. When investigated, the basin site was much higher topographically than the creek, resulting in design difficulties. Also, a basin here only captures material and flow from at most 30 percent of the watershed; therefore it would not provide the level of protection required. Although Ventura County owns the park property, certain legal restrictions on converting park land to other uses would at a minimum require purchase and dedication of replacement property to restore recreation needs. This site would have the least impacts from a natural resources perspective because the basin site supports primarily weedy, non-native grassland. A section of Tapo Creek would be impacted by the construction of the diversion and other structures associated with the basin.

Lost Canyon Golf Course Site: The Lost Canyon Golf Course site is located just south of the intersection of Bennett Road and Tapo Canyon Road and just north of the confluence of Gillibrand Canyon Creek and Tapo Canyon Creek. A dam structure would be built towards the downstream end of the site to capture material generated in the watershed above this confluence. The existing material between the two streams would be excavated to form the basin. Two holes of the Lost Canyon Golf Course would be moved off site to use this site as a basin. Impacts to stream and riparian resources in this area are essentially doubled compared to other alternative sites, because both streams would be incorporated into the basin. Therefore, the cost of the a basin is more than other sites because of the expenses associated with replacing the golf course land use off site and implementing a streambed restoration program to offset the jurisdictional impacts.

Citrus Grove Site: This site is located at the downstream end of Tapo Canyon just north of Walnut Street. A basin was considered that would replace a citrus orchard and residence near the upstream end of the Arroyo del Tapo facility. The location at the downstream end of the canyon is similar to the proposed project as it would capture all of the runoff generated in the watershed. Due to the flat topography of the site, berms would be built around the periphery of the property and the central area excavated to create the basin. However, due to the size of the site and need for berms, the design capacity was not feasible. Environmental impacts of the project here would be very minor, with no impacts to riparian and other natural resources. Noise and other construction and maintenance related impacts may negatively affect the neighborhood. Cost of developing a basin here is prohibitively expensive due primarily to the value of the land.

Lost Canyon Road Site: Downstream of the newly constructed Lost Canyon Road, Tapo Canyon Creek runs along the steep west hillside and opens to the east into a broad floodplain terrace. A basin constructed here would entail an engineered fill dam at the downstream end of the site between the west ridge and Tapo Canyon Road to the east. Material would be excavated from the stream bottom and terrace to provide basin storage. The land is available for a public works facility. Environmental impacts would be considered severe for riparian resources. Although exotic plants have infested the stream and degraded habitat values, up to 4.5 acres of riparian resources may be lost due to construction of a basin here. Mitigation costs for the impacts to these resources would be cost prohibitive.

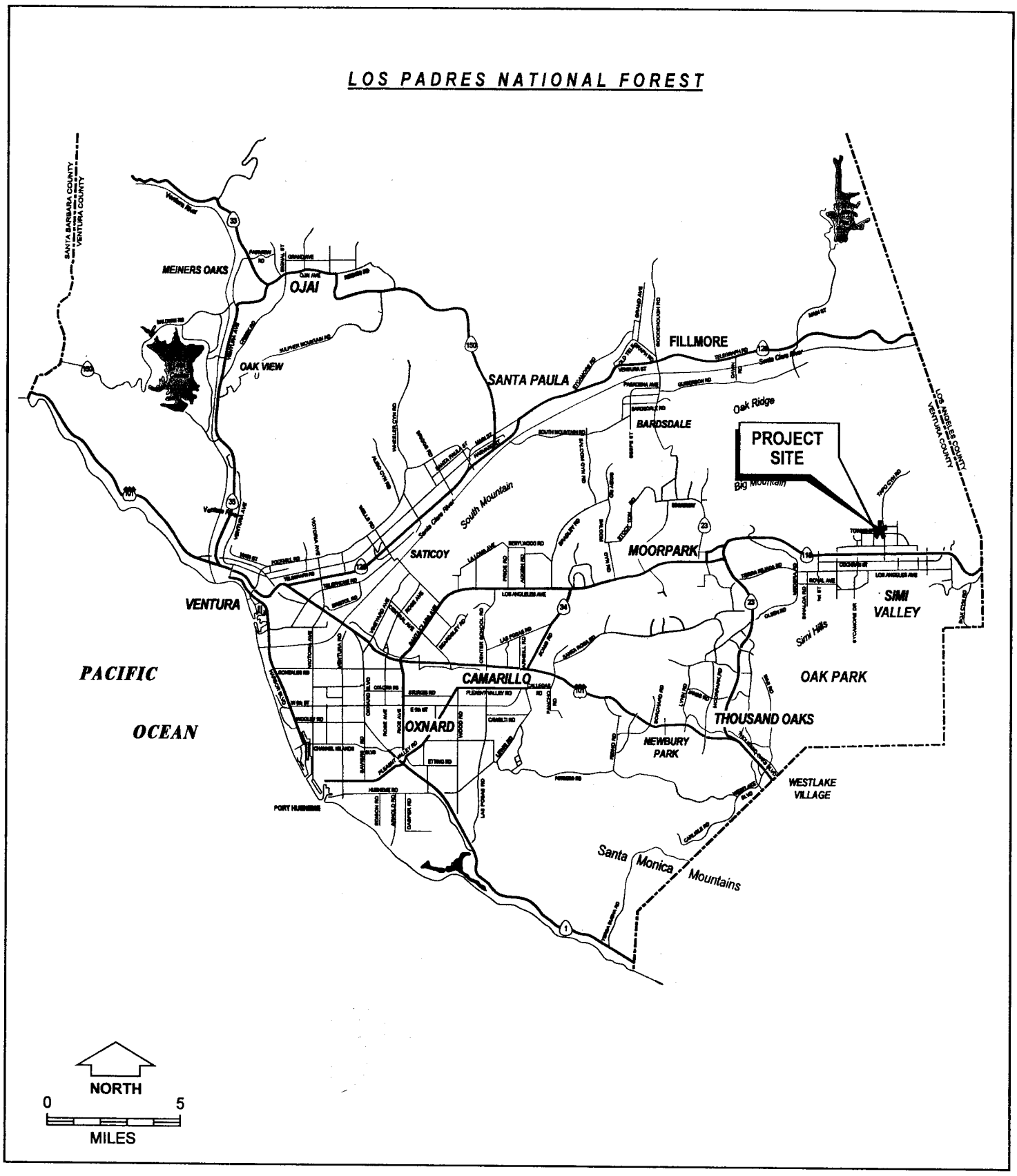
Proposed Mitigation Measures- As mitigation for impacts to 1.03 acres of waters of the U.S. the applicant has proposed to conduct a portion of an extensive giant cane eradication program throughout the Tapo Canyon watershed. VCWPD estimates that about 20 acres of stream habitat throughout the watershed contains at least than 20 percent cover of giant cane (measured by aerial cover). The recent fires provide a unique opportunity to eradicate giant cane as much of the above-ground biomass has burned and the regenerating stems are easy to target for eradication. Removal of giant cane would facilitate the recovery of native riparian habitat throughout the watershed.

Proposed Special Conditions

None proposed at this time. It is anticipated that special conditions would be incorporated into the permit requiring implementation of best management practices during construction, avoidance of proposed critical habitat for the gnatcatcher, and implementation of a giant cane eradication program in the Tapo Canyon watershed with monitoring for five years.

For additional information please call Antal Szijj of my staff at (805) 585-2147. This public notice is issued by the Chief, Regulatory Branch.

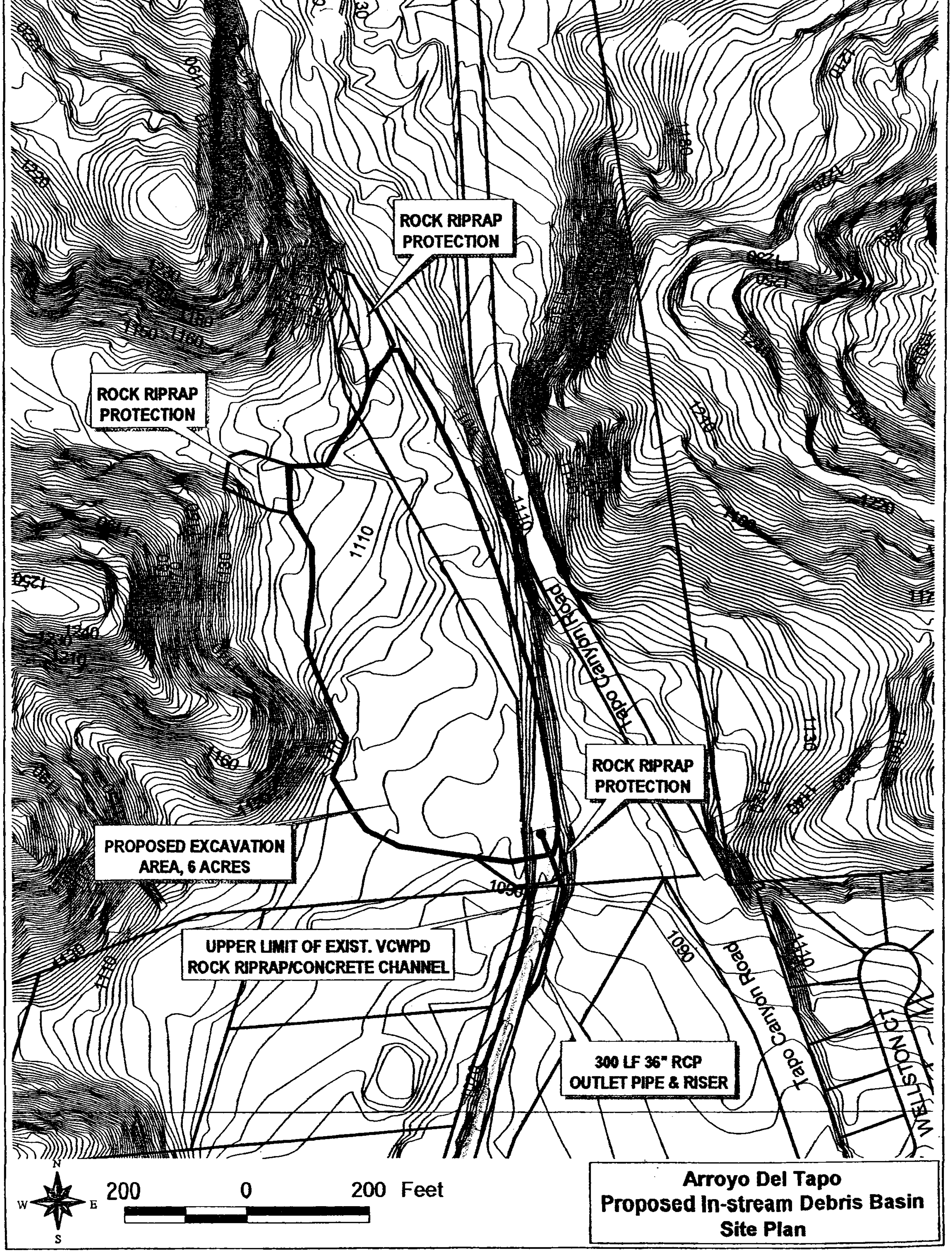
February 2004
Project No. 0402-0071

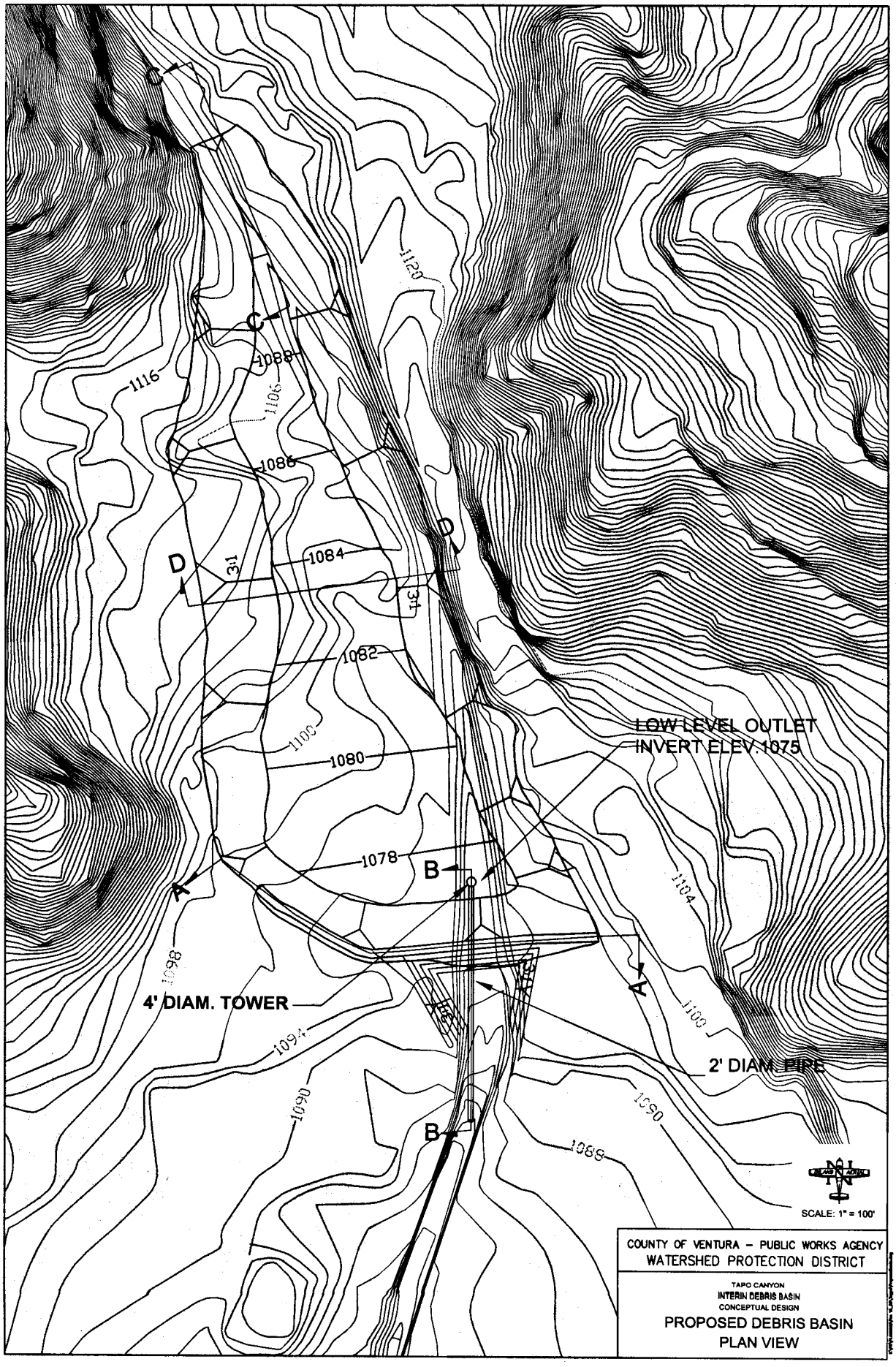


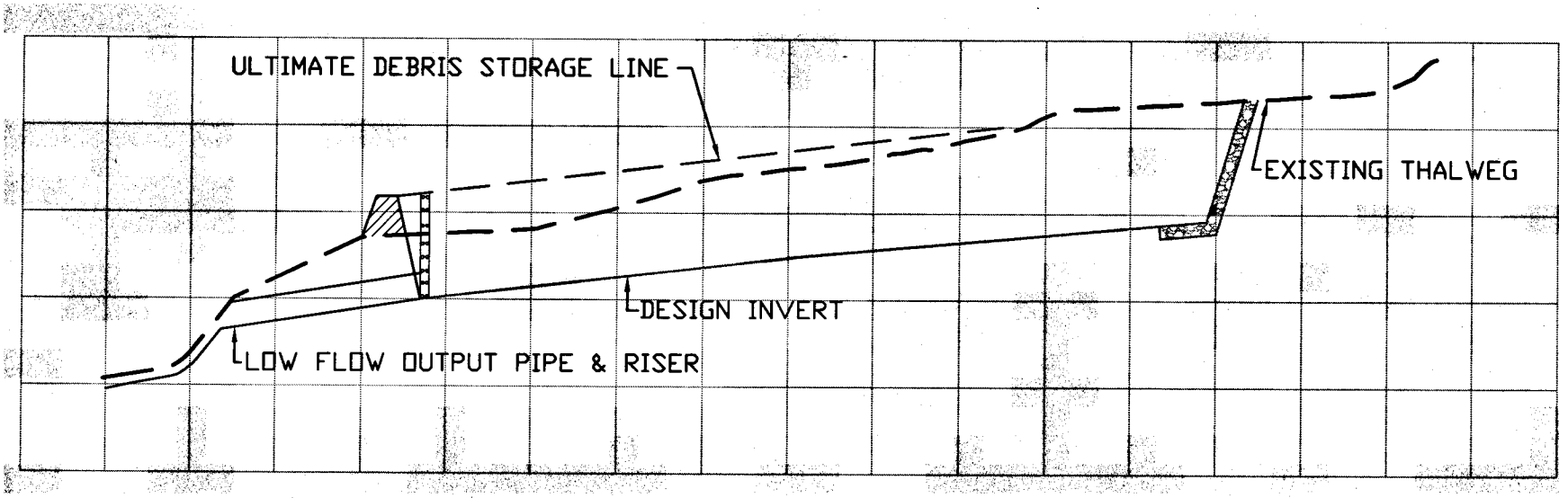
padre associates, inc.
ENGINEERS, GEOLOGISTS & ENVIRONMENTAL SCIENTISTS

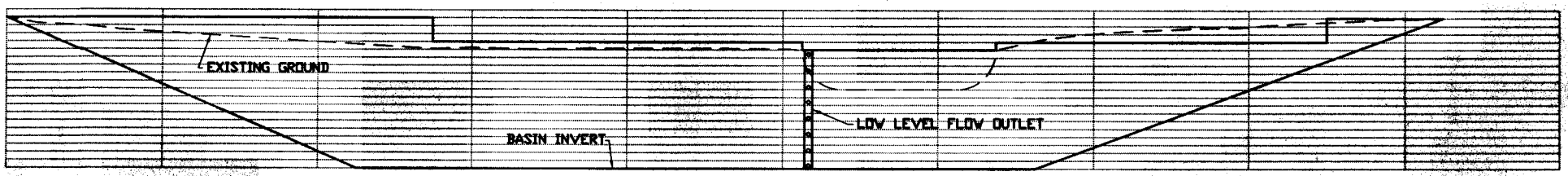
Ventura County Watershed Protection District

BASIN SITE LOCATION
FIGURE 1


ROCK RIPRAP PROTECTION
ROCK RIPRAP PROTECTION
ROCK RIPRAP PROTECTION
PROPOSED EXCAVATION AREA, 6 ACRES
UPPER LIMIT OF EXIST. VCWPD ROCK RIPRAP/CONCRETE CHANNEL
300 LF 36" RCP OUTLET PIPE & RISER
Tapo Canyon Road
Tapo Canyon Road
WELLSTON CT
1110
1090
N
S
E
W
200
0
200 Feet
Arroyo Del Tapo
Proposed In-stream Debris Basin
Site Plan


LOW LEVEL OUTLET
INVERT ELEV.1075
4' DIAM. TOWER
2' DIAM. PIPE
A
B
C
D
1120
1116
1112
1108
1104
1100
1098
1094
1090
1088
1086
1084
1082
1080
1078
1074
SCALE: 1" = 100'
COUNTY OF VENTURA – PUBLIC WORKS AGENCY
WATERSHED PROTECTION DISTRICT
TAPO CANYON
INTERIM DEBRIS BASIN
CONCEPTUAL DESIGN
PROPOSED DEBRIS BASIN
PLAN VIEW


ULTIMATE DEBRIS STORAGE LINE
EXISTING THALWEG
DESIGN INVERT
LOW FLOW OUTPUT PIPE & RISER



SECTION A-A